

SECOND REGULAR SESSION

SENATE BILL NO. 1022

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

Read 1st time January 24, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4120S.011

AN ACT

To repeal section 375.420, RSMo, and to enact in lieu thereof one new section relating to vexatious refusal to pay insurance claims.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 375.420, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 375.420, to read as follows:

375.420. In any action against any insurance company to recover the
2 amount of any loss under a policy of automobile, fire, cyclone, lightning, life,
3 health, accident, employers' liability, burglary, theft, embezzlement, fidelity,
4 indemnity, marine or other insurance except automobile liability insurance, if it
5 appears from the evidence that such company has refused to pay such loss
6 without reasonable cause or excuse, the court or jury [may] **shall**, in addition to
7 the amount thereof and interest, allow the plaintiff damages not to exceed twenty
8 percent of the first fifteen hundred dollars of the loss, and ten percent of the
9 amount of the loss in excess of fifteen hundred dollars and a reasonable attorney's
10 fee; and the court shall enter judgment for the aggregate sum found in the
11 verdict. **A claimant shall be entitled to a reasonable attorney's fee if the**
12 **dispute is resolved through compromised settlement.**

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EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.